

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-Against-

JOSEPH PERCOCO,
a/k/a “Herb,”
ALAIN KALOYEROS,
a/k/a “Dr. K,”
PETER GALBRAITH KELLY, JR.,
a/k/a “Braith,”
STEVEN AIELLO,
JOSEPH GERARDI,
LOUIS CIMINELLI,
MICHAEL LAIPPLE, and
KEVIN SCHULER,

Defendants.

No. S1 16 CR 776 (VEC)

Oral Argument Requested

**Notice of Joseph Percoco’s Motion to Dismiss
the Superseding Indictment**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Joseph Percoco’s Motion to Dismiss the Superseding Indictment, Defendant Joseph Percoco will move this Court, before the Honorable Valerie E. Caproni, United States District Judge, at the Thurgood Marshall United States Courthouse located at 40 Foley Square, New York, New York, at a date and time to be determined by this Court, for an Order dismissing the Superseding Indictment pursuant to Rule 12(b)(3) of the Federal Rules of Criminal Procedure.

Dated: New York, New York
May 19, 2017

SCHULTE ROTH & ZABEL LLP

By: /s/ Barry A. Bohrer

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